

"Yea" to "Nay" on suspending rules to consider S. B. No. 219.

There was objection offered.

Special Notice

Senator Moore gave notice that he would on tomorrow move to take up S. B. No. 49 for consideration.

Adjournment

On motion of Senator Hardeman the Senate at 11:53 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

THIRTY-SECOND DAY

(Tuesday, March 5, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin Owen

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Roberts.

Senate Resolution 181

Senator Reagan offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate members of the Texas History and Economics Classes from the W. B. Ray Senior High School in Corpus Christi, Texas, accompanied by their sponsors, Mrs. Fred B. Norris, Mrs. Yona Bird, Mr. W. C. Box, and Mr. John Gilligan; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Reagan by unanimous consent presented the students and sponsors to the Members of the Senate.

Senate Resolution 183

Senator Moore offered the following resolution:

Whereas, We are honored to have in the gallery of the Senate the Senior Class of Caldwell, Texas, accompanied by their teacher, Mr. F. D. Rogers; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moore by unanimous consent presented the students and Mr. Rogers to the Members of the Senate.

Communication from Mrs. Lola Lawrence

The President laid before the Senate the following communication received from Mrs. Lola Lawrence:

115 East Ashby Place
San Antonio, Texas
February 27, 1957

Senators of the Fifty-fifth Session of the Legislature

Capitol Station
Austin, Texas

My dear Friends:

The resolution you passed on my service as an employee of the Senate made me feel more than ever that a job worth doing is worth doing well. Through the years the friendship of the Senators has meant a great deal to me.

It was always a pleasure to serve you as postmistress of the Senate. No group could have been more cooperative or considerate than you were.

My love and my thanks to each of you.

Sincerely yours,
(Signed)) LOLA LAWRENCE

The communication was read.

On motion of Senator Aikin and by unanimous consent the communication was ordered printed in the Journal.

Senate Resolution 184

Senator Moffett offered the following resolution:

Whereas, Senator Crawford Martin, our esteemed and diligent colleague from the 12th Senatorial District, has recently undergone surgery at an Austin hospital, which may necessitate his absence from our body for several days, and

Whereas, His progress under the watchful care of competent physicians and a loving and faithful wife has been favorable, and

Whereas, His presence upon the floor of the Senate in faithfully carrying out his duties here will be missed by the Members of this body; Now, therefore, be it

Resolved, That the members of the Senate extend their deepest and most sincere sympathy to Senator Martin

during his current illness, and wish for him a prompt and complete recovery, and that he will be back in his seat at the earliest practicable date; and be it further

Resolved, That the Secretary of the Senate be instructed to send suitable flowers to Senator Martin's hospital room as a token of our wishes for his speedy recovery.

MOFFETT
COLSON
AIKIN
LANE

Signed—Ben Ramsey, Lieutenant Governor; Ashley, Bracewell, Bradshaw, Fly, Fuller, Gonzalez, Hazlewood, Hardeman, Herring, Hudson, Kazen, Krueger, Lock, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Ashley and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Reports of Standing Committees

Senator Lane submitted the following reports:

Austin, Texas,
March 5, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 145, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 145 read first time.

Austin, Texas,
March 5, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 245, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 5, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 147, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 5, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 306, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 5, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 382, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Weinert submitted the following report:

Austin, Texas,
March 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 110, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 299, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 298, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 156, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 194, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendments and be printed.

WEINERT, Chairman.

Senator Willis submitted the following report:

Austin, Texas,
March 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 279, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Gonzalez submitted for Senator Owen the following report:

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 366, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Roberts:

S. B. No. 316, A bill to be entitled "An Act authorizing the State Building Commission to lease existing buildings situated on property acquired prior to the effective date of this Act by the State Building Commission; making other provisions relating thereto and declaring an emergency."

To the Committee on State Affairs.

By Senator Hudson:

S. B. No. 317, A bill to be entitled "An Act to revise the absentee voting laws of this State; amending certain sections of the Texas Election Code and repealing other sections and statutes dealing with absentee voting.

To the Committee on Privileges and Elections.

By Senator Hudson:

S. B. No. 318, A bill to be entitled "An Act amending Section 130 of the Election Code of the State of Texas (Chapter 492, Acts of the 52nd Legislature) as amended, by adding subsections (1)(a), (1)(b), (1)(c) and (1)(d) providing for investigations and proceedings by the Attorney General in elections involving less than two counties; providing that investigations and proceedings undertaken by the Attorney General shall have precedence over other proceedings involving the same election and that such proceedings shall not be restrained or enjoined; providing that a District Court may appoint a Master in Chancery for proceedings under this Section; defining terms; provid-

ing a severability clause; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Hudson:

S. B. No. 319, A bill to be entitled "An Act amending the Texas Election Code by adding a new section designated as Section 220a, conferring upon district courts the jurisdiction to order recounts of votes and to hear and determine election contests relative to the party offices of precinct chairmen and county chairmen and providing procedures therefor."

To the Committee on Privileges and Elections.

By Senator Hudson:

S. B. No. 320, A bill to be entitled "An Act amending Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925, by adding Article 7519c, conferring jurisdiction and authorizing District Courts to declare invalid water permits and filings upon application of the Board of Water Engineers or the State of Texas without the necessity of prior administrative action by the Board of Water Engineers; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Lane:

S. B. No. 321, A bill to be entitled "An Act amending Article 1817, Revised Civil Statutes of Texas, 1925, so as to move the Court of Civil Appeals for the Sixth Supreme Judicial District of Texas from the City of Texarkana to the City of Longview, and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 322, A bill to be entitled "An Act to create the Texas Archeological Commission; providing for appointment of its members, the filling of vacancies in its membership, and terms of office; providing rules and regulations for the transaction of its business; providing for compensation and expenses of members; authorizing employment of personnel and creating the office and prescribing the qualifications of the State Archeologist; prescribing the purposes, duties and function of the Commission; providing for reports to the Governor and to the Legislature; authorizing the

acceptance of gifts and prescribing the method of maintaining and expending sums acquired as gifts and from sale of archeological material and publications; providing for contracts with the Federal Government; providing for keeping of books of account and records; providing a severability clause; making appropriations; and declaring an emergency."

To the Committee on State Affairs.

By Senators Krueger, Ratliff and Smith:

S. B. No. 323, A bill to be entitled "An Act requiring a permit for the selling, licensing, or otherwise authorizing the public performances for profit under a blanket license of certain copyrighted musical or dramatico-musical compositions; requiring the filing of copies of such agreements or licenses with the Secretary of State; providing for appointment of attorney for service of process by non-residents; providing that such activities by a corporation constitute doing business in this State; providing that this Act shall not impair or affect existing contracts; providing a penalty; providing that for severability of clauses and provisions; and declaring an emergency."

To the Committee on State Affairs.

By Senators Moffett, Hazlewood and Ashley:

S. B. No. 324, A bill to be entitled "An Act providing that no person shall inherit or take any property either under the laws of descent and distribution or under a will or testament, who as the principal or as an accomplice wilfully brings about the death of the owner of such property; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Aikin and Bracewell:

S. B. No. 325, A bill to be entitled "An Act establishing and providing for a State mentally retarded school; regulating and providing for the operation of same; and declaring an emergency."

To the Committee on State Affairs.

By Senator Bracewell:

S. B. No. 326, A bill to be entitled "An Act to amend Chapter 3 of the Insurance Code of Texas, Acts 1951, 52nd Legislature, Chapter 491, Page 868 to regulate the computation of reserves on policies and contracts is-

sued by Life Insurance Companies organized under the laws of this State or authorized to transact business in this State and to provide for certain non-forfeiture benefits in certain insurance policies issued after December 31, 1956, and accomplishing these purposes by amending Article 3.28 of the Insurance Code to provide standards for computation of reserves with respect to policies issued after December 31, 1956 concerning which the company has elected to provide non-forfeiture values under the terms of Article 3.44-1 of the Insurance Code added hereby, and containing certain conditions, limitations and exceptions; by amending Article 3.44 of the Insurance Code relating to provisions required in policies of life insurance by providing that clause 7 of said Article 3.44 concerning non-forfeiture benefits will not be applicable to policies issued after December 31, 1956 which the company has elected to make subject to Article 3.44-1 of the Insurance Code, added hereby; by amending Article 3.52 of the Insurance Code relating to industrial life insurance by providing that clauses (e) and (f) of Section 2 of Article 3.52 of the Insurance Code concerning non-forfeiture benefits will not be applicable to policies issued after December 31, 1956 which the company has elected to make subject to Article 3.44-1 of the Insurance Code, added hereby; by adding to the Insurance Code a new article thereto to provide certain non-forfeiture benefits in certain insurance policies and contracts, including ordinary and industrial life insurance policies, issued after December 31, 1956, which the company has elected to make subject to said Article 3.44-1 by providing that the company will, under certain circumstances, grant a certain non-forfeiture benefit on a plan stipulated in the policy relating to cash surrender value, extended insurance, paidup insurance and other benefits, subject to certain conditions, limitations and exceptions, and providing for the method by which the company may elect to comply with the provisions of said Article 3.44-1 of the Insurance Code; repealing all laws and parts of laws in conflict to the extent of such conflict; providing for a severability clause; and declaring an emergency."

To the Committee on Insurance.

By Senator Gonzalez:

S. B. No. 327, A bill to be entitled

"An Act relating to drivers' licenses; amending Chapter 173, Acts of the 47th Legislature, as amended (codified as Article 6687b in Vernon's Texas Civil Statutes), by amending Section 2(b) thereof to require chauffeurs and commercial operators to hold operators' licenses in order to drive as operators on and after January 1, 1958; adding a new section entitled Section 22a providing that no act or offense committed under one class of license may be used in an action under Section 22 to suspend or revoke any other class of license; specifically excepting automatic suspensions; making an appropriation, and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 126 on Second Reading

Senator Hardeman moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 126 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Krueger
Ashley	Lane
Bracewell	Lock
Bradshaw	Moffett
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Smith
Hazlewood	Weinert
Herring	Willis
Hudson	Wood
Kazen	

Nays—4

Moore	Rogers
Roberts	Secrest

Absent—Excused

Martin	Owen
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 126, A bill to be entitled "An Act declaring it to be illegal to divert waters released from storage and destined for downstream; to promulgate and enforce rules and orders to effectuate the provisions of this Act; providing for the manner

of adopting such rules and orders; authorizing appeals from Board rules and orders; providing penalties for violations; providing a saving clause; and declaring an emergency."

The bill was read the second time.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 126, Sec. 2, by striking out the words "and any lawful rule, regulation and order of the Board of Water Engineers adopted pursuant thereto."

The amendment was adopted.

Senator Colson offered the following amendment to the bill:

Amend S. B. 126 by adding the following at the end of Section 1:

"Provided that nothing herein shall be construed to in anywise offset, diminish or enhance any vested rights, including riparian rights."

The amendment was adopted.

Senator Willis offered the following amendment to the bill:

Amend Senate Bill 126, Section 1, by inserting after the comma and before the word "it" on line 23, the following:

"by a user legally entitled to receive such water,"

The amendment was adopted.

Senator Secrest offered the following amendment to the bill:

Amend S. B. No. 126 by adding the following language to Section 1:

"provided however that this Act shall not apply in that area of Texas drained by the Brazos River or any of its tributaries."

The amendment was read.

On motion of Senator Hardeman the amendment was tabled.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 126 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule

32 requiring bills to be read on three several days be suspended and that S. B. No. 126 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Krueger
Ashley	Lane
Bracewell	Lock
Bradshaw	Moffett
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Smith
Hazlewood	Weinert
Herring	Willis
Hudson	Wood
Kazen	

Nays—4

Moore	Rogers
Roberts	Secrest

Absent—Excused

Martin	Owen
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Krueger
Ashley	Lane
Bracewell	Lock
Bradshaw	Moffett
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Smith
Hazlewood	Weinert
Herring	Willis
Hudson	Wood
Kazen	

Nays—3

Moore	Secrest
Rogers	

Absent

Roberts	
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Absent—Excused

Martin	Owen
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Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 5, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 19, Granting permission to W. H. Taylor to sue the State of Texas.

H. C. R. No. 32, Granting the B & A Pipe Line Company permission to bring suit against the State of Texas.

H. C. R. No. 28, Granting Hugh M. Glover of Wichita County, Texas, permission to sue the State of Texas and the Adjutant General's Department.

H. B. No. 6, A bill to be entitled "An Act concerning the hospitalization, commitment, care, observation and treatment of the mentally ill, including persons of unsound mind, and their status; imposing certain responsibilities upon the Board for Texas State Hospitals and Special Schools; licensing mental hospitals operated by private persons and political subdivisions; saving certain rights, obligations and procedures; repealing certain statutes and laws; and declaring an emergency."

H. B. No. 7, A bill to be entitled "An Act relating to admissions taxes on places of amusement; amending Section 6 of Article III, Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, as last amended by Chapter 49, Acts of the Fifty-third Legislature, Regular Session, Codified as Article 7047a-19 of Vernon's Texas Civil Statutes; changing provisions relative to filing reports on amusements not held at a regular fixed place or establishment; changing the base rate of the tax as to admissions to entertainments such as motion pictures, operas, plays and like amusements held at fixed and regular established motion picture theaters; adding a provision expressly exempting from taxation complimentary tickets and passes for which no admission charge is collected; providing for the keeping of records and the inspection thereof; providing civil and criminal remedies

and penalties for violations and fixing venue of court actions; repealing Sections 2 and 3 of Chapter 49, Acts of the Fifty-third Legislature, Regular Session; and declaring an emergency."

H. B. No. 33, A bill to be entitled "An Act relating to appeals from orders of the Board of Barber Examiners; amending Section 22-A of Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as added by Chapter 15, Acts of the 41st Legislature, 5th Called Session, 1930, so as to change jurisdiction and venue on such appeals and making other provisions relating thereto; and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act to amend Article 7799, Revised Civil Statutes of Texas, 1925, and Section 139, Chapter 25, Acts of the 39th Legislature, Regular Session 1925 (Codified as Article 7880-139 of Vernon's Civil Statutes of Texas), so as to require written notice to the Board of Water Engineers and the district's board of directors of any substantial alteration in plans and specifications of district projects approved by said Board; authorizing inspection by the Board during construction; requiring notice by the Board to district directors and manager if substantial alterations are made; and declaring an emergency."

H. B. No. 147, A bill to be entitled "An Act amending Section 117 of Chapter 25, Acts of the 39th Legislature, 1925, as amended (codified in Vernon's Texas Civil Statutes as Article 7880-117) by striking the last paragraph therefrom so as to remove the authority of the board of directors of a water control and improvement district to enter into contracts for the construction of works of improvements by private negotiation; leaving the balance of such Section 117 intact; and declaring an emergency."

H. B. No. 150, A bill to be entitled "An Act amending Section 16 of Chapter 25, Acts of the 39th Legislature, Regular Session, 1925 (codified in Vernon's Texas Civil Statutes as Article 7880-16) so as to authorize a water control and improvement district to have a wider and more descriptive choice of names to designate it; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Resolution Signed

The president signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 35, Memorializing Congress to oppose bills providing Federal financial assistance to Local School Districts.

Senate Resolution 185

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery 19 pupils from the 7th and 8th grades of Wimberley School, Hays County, accompanied by Mr. P. H. Bowen, Principal, and five sponsors; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn first-hand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students, principal and sponsors to the Members of the Senate.

Senate Resolution 186

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 5th grade class from Brykerwoods School in Austin, Texas, accompanied by their teacher, Mrs. Ivan C. Belknap; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recog-

nize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mrs. Belknap to the Members of the Senate.

Senate Resolution 187

Senator Parkhouse offered the following resolution:

Whereas, We are honored today to have in the gallery the 7th and 8th grade civics class from Our Lady of Good Counsel Academy in Dallas, accompanied by their teacher, Sister Margaret Rose; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn first-hand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Parkhouse by unanimous consent presented the students and Sister Margaret Rose to the Members of the Senate.

Senate Bill 73 on Second Reading

Senator Lane moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 73 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Fly
Ashley	Fuller
Bracewell	Gonzalez
Bradshaw	Hardeman
Colson	Hazlewood

Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Secrest
Lock	Smith
Moffett	Weinert
Moore	Willis
Parkhouse	Wood
Phillips	

Absent—Excused

Martin	Owen
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 73, A bill to be entitled "An Act to amend Section 5 of Chapter 282, Acts, Regular Session, 41st Legislature (1929), as amended by Section 2 of Chapter 174, Acts, Regular Session, 42nd Legislature (1931), as amended by Section 2 of Chapter 148, Acts, Regular Session, 45th Legislature (1937); and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 73 on Third Reading

Senator Lane moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 73 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin	Owen
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin Owen

Senate Bill 74 on Second Reading

Senator Lane moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 74 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 74, A bill to be entitled "An Act to amend Section 4 of Chapter 282, Acts, Regular Session 41st Legislature (1929), as amended by Section 1 of Chapter 174, Acts, Regular Session, 42nd Legislature (1931),

as amended by Section 1 of Chapter 148, Acts, Regular Session, 45th Legislature (1937); and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 74 on Third Reading

Senator Lane moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin Owen

Senate Bill 49 on Second Reading

Senator Moore moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 49 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin	Owen
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 49, A bill to be entitled "An Act amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended, and Article 591, Revised Code of Criminal Procedure of Texas, 1925, as amended, so as to provide for the selection of jurors by the jury wheel system, and the selection of special venire by the jury wheel system in counties containing a city having a population of 18,000 or more inhabitants; providing a repealing clause; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend Senate Bill No. 49 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Article 2094, Revised Civil Statutes of Texas, 1925, as amended, is hereby amended so as to read hereafter as follows:

'Article 2094. Between the first and fifteenth days of August of each year,

in each county having a population of at least forty-six thousand (46,000), or having therein a city containing a population of at least eighteen thousand (18,000), as shown by the last preceding Federal Census, and in each county having two (2) or more District Courts holding sessions therein, regardless of population, except as hereinafter provided, the tax collector or one of his deputies, together with the sheriff or one of his deputies, and the county clerk or one of his deputies, shall meet at the courthouse of their county and select from the list of qualified jurors of such county as shown by the tax list in the tax assessor's office for the current year, the jurors for service in the district and county courts of such county for the ensuing year, in the manner hereinafter provided.

'Provided, however, that the provisions of this Act shall not apply to any county having a population of less than twenty thousand (20,000) inhabitants, according to the last preceding Federal Census, when such county is a part of two (2) or more Judicial Districts, which Judicial Districts embrace more than two (2) counties.'

"Section 2. Article 591, Revised Code of Criminal Procedure of Texas, 1925, as amended, is hereby amended so as to read hereafter as follows:

'Article 591. In all counties having a population of at least fifty-eight thousand (58,000), or having therein a city of eighteen thousand (18,000), or more population, as shown by the preceding Federal Census, and in every county in this State, which comprises a part of two (2) Judicial Districts, each of which Districts consists of four (4) and the same four (4) counties, which four (4) counties have a combined population of not less than one hundred and thirty-five thousand (135,000) according to the last preceding Federal Census, whenever a special venire is ordered, the District Clerk, in the presence of, and under the direction of, the Judge, shall draw from the wheel containing the names of the jurors, the number of names required for such special venire, and prepare a list of such names in the order in which drawn from the wheel, and attach said list to the writ and deliver same to the Sheriff. The cards bearing such names shall be sealed in an envelope and kept by the Clerk for distribu-

tion, as herein provided. If from the names so drawn, any of the men are impaneled on the jury and serve as many as four (4) days, the cards bearing their names shall be put by the Clerk in the box provided for that purpose, and the cards bearing the names of the men not impaneled shall again be put by the Clerk in the wheel containing the names of the eligible jurors.'

"Section 3. All laws or parts of laws in conflict with the provisions of this act are hereby repealed to the extent of conflict only.

"Section 4. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Section 5. The fact that the jury wheel system of selecting jurors and special venire in counties covered by this amendment should be applicable to such counties creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

On motion of Senator Moore and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 49 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 49 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Colson
Ashley	Fly
Bracewell	Fuller
Bradshaw	Gonzalez

Hardeman	Parkhouse
Hazlewood	Phillips
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Secrest
Lane	Smith
Lock	Weinert
Moffett	Willis
Moore	Wood

Nays—1

Rogers

Absent—Excused

Martin

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Committee Substitute Senate Bill 77 on Second Reading

Senator Parkhouse moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that C. S. S. B. No. 77 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin

Owen

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 77, A bill to be entitled "An Act authorizing an 'eligible' city, as defined herein, to employ the alternative procedure of issu-

ing its negotiable revenue bonds, within the maximum amount prescribed herein, secured by the revenues of its waterworks system or its waterworks and sanitary sewer systems, and to utilize the proceeds of such bonds, in accordance with a contract with a district or authority created under Article XVI, Section 59 of the Constitution to pay the construction cost of a water supply project to be constructed by such district, from which supply project such city shall have procured a permit to utilize water outside of the watershed; prescribing the method of the authorization, issuance and terms of such bonds, the security therefor, restrictions as to expenditures of bond proceeds, the right to issue interim bonds, procedure for issuing refunding bonds, requirement for and effect of approval by the Attorney General, right to invest proceeds of the bonds during the construction period, eligibility characteristics of the bonds; providing that the provisions hereof shall take precedence over conflicting and inconsistent provisions of other statutes and charters; containing a severability provision; enacting other provisions related to the subject; and declaring an emergency."

The bill was read second time.

Senator Willis offered the following amendment to the bill:

Amend S. B. 77 by striking out the figures 400,000 wherever they occur in said bill and inserting in lieu thereof the figures "275,000."

The amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Committee Substitute Senate Bill 77 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 77 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin

Ashley

Bracewell
Colson
Fuller
Gonzalez
Hardeman
Hazlewood
Herring
Hudson
Kazen
Krueger
Lane
Lock

Moffett
Moore
Parkhouse
Phillips
Ratliff
Reagan
Rogers
Secrest
Smith
Weinert
Willis
Wood

Nays—3

Bradshaw
Fly

Roberts

Absent—Excused

Martin

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin
Ashley
Bracewell
Colson
Fuller
Gonzalez
Hardeman
Hazlewood
Herring
Hudson
Kazen
Krueger
Lane

Lock
Moffett
Moore
Parkhouse
Phillips
Ratliff
Reagan
Rogers
Secrest
Smith
Weinert
Willis
Wood

Nays—3

Bradshaw
Fly

Roberts

Absent—Excused

Martin

Owen

Committee Substitute Senate Bill 53 on Second Reading

Senator Hazlewood moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that C. S. S. B. No. 53 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin

Ashley

Bracewell	Lock
Bradshaw	Moffett
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Nays—1

Secrest

Absent

Moore

Absent—Excused

Martin

Owen

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 53, A bill to be entitled "An Act amending Section 4, Article II, of Art. 6687b, Vernon's Annotated Civil Statutes, General Laws of 1941, 47th Legislature, p. 245, Chapter 173; as amended by Acts of 1943, 48th Legislature, p. 469, Chapter 313, providing for the issuance of drivers' licenses to persons under the age of sixteen (16) years; repealing all laws in conflict therewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Committee Substitute Senate Bill 53 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 53 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hardeman
Ashley	Hazlewood
Bracewell	Herring
Bradshaw	Hudson
Colson	Kazen
Fly	Krueger
Fuller	Lane
Gonzalez	Lock

Moffett	Rogers
Parkhouse	Smith
Phillips	Weinert
Ratliff	Willis
Reagan	Wood
Roberts	

Nays—1

Secrest

Absent

Moore

Absent—Excused

Martin

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Nays—2

Fuller

Secrest

Absent

Moore

Absent—Excused

Martin

Owen

Senate Bill 256 on Second Reading

Senator Smith moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 256 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Colson
Ashley	Fly
Bracewell	Fuller
Bradshaw	Gonzalez

Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Smith
Lock	Weinert
Moffett	Willis
Parkhouse	Wood

Absent

Moore

Absent—Excused

Martin

Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 256, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution, comprising the territory contained within the cities of Spur, Crosbyton, Ralls and Post, to be known as the 'White River Municipal Water District' and abolishing White River Water Control and Improvement District, etc., and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend Senate Bill 256, Section 10(a) by changing the period at the end of the first sentence to a semicolon and adding the following:

"provided, however, that the District shall not be authorized to acquire lands and facilities without the boundaries of such District by condemnation or by the exercise of the power of eminent domain, except for the acquisition of a dam or dam sites, reservoirs and pipelines. Such power of condemnation shall not include or be extended to the acquisition of lands and facilities for other purposes such as recreational, agricultural, mining, navigational and operating and maintaining hydro-electric plants."

The amendment was adopted.

On motion of Senator Smith and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 256 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 256 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Present—Not Voting

Rogers

Absent—Excused

Martin

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Present—Not Voting

Rogers

Absent—Excused

Martin

Owen

Senate Concurrent Resolution 28 on Second Reading

Senator Bradshaw moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. C. R. No. 28 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin	Owen
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The President laid before the Senate on its second reading the following resolution:

S. C. R. No. 28, Granting Upham Gas Company permission to sue the State of Texas.

The resolution was read and was adopted by the following vote:

Yeas—28

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Hardeman

Absent—Excused

Martin	Owen
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Senate Bill 280 on Second Reading

Senator Lock moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 280 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent

Bracewell

Absent—Excused

Martin	Owen
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 280, A bill to be entitled "An Act creating the 'Tri-County Municipal,' a conservation District under Article XVI, Section 59, of the Constitution, comprising the territory contained within the cities of Cleburne, Hillsboro, Whitney, Itasca, Valley Mills, Rio Vista, Clifton, Blum and Meridian, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same; providing for the annexation of additional territory thereto; providing for a Board of Directors for the government of said District; prescribing other powers of the District; enacting other provisions relating to the subject; and declaring an emergency."

The bill was read second time.

Senator Lock offered the following amendment to the bill:

Amend Senate Bill No. 280, Sec-

tion 3, Sub-Section (a), by adding a new sentence at the end of same to read as follows:

"In addition to all of the other directors hereinabove provided for, there shall be appointed by the Governor of this State, with the advice and consent of the Senate, for a term of two years, one director-at-large, whose residence may be anywhere within the district. This director shall have the same power, duties, and responsibilities as the other directors elected by the cities, and his term of office shall expire two years from the date of his qualifying and taking office, and he shall act until his successor is duly appointed and qualified."

The amendment was adopted.

Senator Lock offered the following amendment to the bill:

Amend Senate Bill No. 280 by inserting between Sections 8 and 9 a new section to be known as Section 8 (a), reading as follows:

"In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, re-routing or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 280, Section 8 by changing the period at the end of the first sentence to a semi-colon and adding:

"provided, however, that the District shall not be authorized to acquire lands and facilities without the boundaries of such District by condemnation or by the exercise of the powers of eminent domain, except for the acquisition of a dam or dam sites, reservoirs and pipelines. Such power of condemnation shall not include or be extended to the acquisition of lands and facilities for other purposes such as recreational, agri-

cultural, mining, navigational and operating and maintaining hydro-electric plants."

The amendment was adopted.

On motion of Senator Lock and by unanimous consent the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 280 on Third Reading

Senator Lock moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 280 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secret
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin	Owen
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hudson
Ashley	Kazen
Bracewell	Krueger
Bradshaw	Lane
Colson	Lock
Fly	Moffett
Fuller	Moore
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan

Roberts	Weinert
Rogers	Willis
Secrest	Wood
Smith	

Absent—Excused

Martin	Owen
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Co-author of Senate Bill 325

Senator Aikin asked unanimous consent that Senator Bracewell be shown as Co-author of S. B. No. 325.

There was no objection offered.

Special Notice

The President announced that Senator Parkhouse would on tomorrow move to suspend necessary rules to take up H. J. R. No. 3.

Senate Resolution 188

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. Ed Fink, San Antonio, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented Mr. Fink to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 5, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 79, A bill to be entitled "An Act to amend Chapter 325, Acts of the 50th Legislature, 1947, (Vernon's Ann. Civ. St., Article 1269m) by amending Section 2 thereof by re-defining "Fireman" and "Police-man" and by amending Section 12 thereof by stopping the creation in the future of new classified positions

unless established by ordinance; and by amending Section 13 thereof by providing that the results of examinations for promotion shall be published within twenty-four hours; and by amending Section 14 thereof, as amended by Section 4 of Chapter 572, Acts of the 51st Legislature, 1949, and as amended by Section 1 of Chapter 255, Acts of the 54th Legislature, 1955, by providing the manner in which examinations for promotion shall be prepared and graded; and by amending Section 26 thereof, as amended by Section 6 of Chapter 255, Acts of the 54th Legislature, 1955, by providing that upon leaving the classified service an employee shall, if he so elects, be entitled to receive a lump sum payment for not more than ninety (90) days of accumulated sick leave; and by adding thereto a new section numbered Section 26(a), providing vacations for fireman and policemen in the classified service; and by amending Section 27 (a) thereof by limiting the applicability of the provisions of said Chapter 325, Acts of the 50th Legislature, 1947, as amended, to cities which have adopted or which shall hereafter adopt the provisions thereof; and providing a saving clause; and declaring an emergency."

(With engrossed rider.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Concurrent Resolution 37

Senator Hudson offered the following resolution:

S. C. R. No. 37, Relating to waters of Rio Grande River and control thereof by International Boundary and Water Commission.

Whereas, There have been many illegal diversions of water on the Rio Grande River, particularly waters released from Falcon Dam; and

Whereas, The International Boundary and Water Commission is responsible for charging such illegal diversions against the offending party; and

Whereas, Due to the drouth these illegal diversions have multiplied to such an extent that on one occasion during the week of February 14, 1957, over eighty-nine pumps were illegally diverting waters between Falcon Dam and the mouth of the river by pumpers of the Republic of Mexico; and

Whereas, On other occasions such illegal diversions have occurred on the American side of the Rio Grande, we hereby petition that the International Boundary and Water Commission enforce the provisions of the Treaty of 1945 to discharge their responsibility in controlling such illegal diversions and charging the offender with water taken, and other necessary and appropriate punishment; now, therefore, be it

Resolved, by the Senate of the 55th Legislature of the State of Texas, That this control of said waters by the International Boundary and Water Commission be faithfully executed so as to protect the rights of all concerned; and be it further

Resolved, That copies of this Resolution shall be sent to Colonel Hewitt

of the International Boundary and Water Commission; the United States Department of State; the United States Department of Agriculture; Senator Lyndon B. Johnson; Senator William A. Blakley; Congressman Joe M. Kilgore; Governor Price Daniel; the Rio Grande Valley Chamber of Commerce and the Falcon Water Compact.

The resolution was read and was referred to the Committee on Water and Conservation.

Adjournment

On motion of Senator Hardeman the Senate at 12:29 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of

A. J. Kitten

Senator Smith offered the following resolution:

(Senate Resolution 179)

Whereas, Our Heavenly Father in His infinite wisdom did on the nineteenth day of February, call to his Heavenly Reward, A. J. Kitten, a most devoted and outstanding citizen, husband, and father; and

Whereas, Mr. Kitten was born twenty-one years ago, was a graduate of Cooper High School, and will be remembered for his active interest in Future Farmer of America work; and

Whereas, Mr. Kitten served as editor of his school annual, played both basketball and football, and took part in FFA team competition; and

Whereas, Mr. Kitten's valor and courageousness in the rescue of his daughter, Deborah, will live on in the hearts of the people who knew and loved him; and, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature to pay tribute to this worthy citizen; and be it further

Resolved, That when the Senate adjourns today, it do so in his honor and that a page in the permanent Journal in the Senate be devoted to the recording of this resolution; and be it further

Resolved, That an enrolled copy of this resolution be sent to his wife, Dorothy Janell Barton Kitten; to his daughter, Deborah Kitten; to his parents, Mr. and Mrs. August Kitten; and to his brothers Wilfred, Clarence, Calvin, and Marvin Kitten, as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Mr. Daniel Milton Doyle

Senator Willis offered the following resolution:

(Senate Resolution 180)

Whereas, On December 20, 1955, at the end of a long, full life of great accomplishment Daniel Milton Doyle was called to a brighter life; and

Whereas, Mr. Doyle, a native Texan, was born in Grimes County and developed into a man of many talents; after teaching music at Peacock Military Academy in San Antonio and serving as a choir director for the First Methodist Churches of San Antonio and Houston, he turned to the law, becoming a partner in the firm of Lattimore, Buck, Cummings and Doyle in 1900; and

Whereas, As a lawyer he was outstanding for many years and also helped to enforce the oil laws of Texas as a member of the Railroad Commission staff; and

Whereas, In addition to his prominence in music and law he was extremely interested in religious matters and he and Mrs. Doyle spent much of their time, interest and energy in that field. They founded the Doyle Bible Mission in 1939 and were helped by the members of the Arlington Heights Methodist Church where Mrs. Doyle taught Sunday School for many years. Although established as an interdenominational mission it was later sponsored by Southwestern Baptist Theological Seminary and the name was changed to Doyle Baptist Mission; now, therefore, be it

Resolved, By the Senate of the Fifty-fifth Legislature of Texas that the admiration and respect of the members be hereby expressed for the remarkable achievements of Daniel Milton Doyle, whose eighty-four years of inspiring life serve as an example to all who know of what he and Mrs. Doyle had done for their fellow men; and be it further

Resolved, That the sincere sympathy of the Senate be extended to his family and that copies of this resolution shall be sent to his wife, Mrs. Doyle; his daughters, Mrs. E. A. Davidson of New Orleans, Mrs. E. R. Rundell and Mrs. G. E. Sossamon of Fort Worth; and to his brothers, W. D. Doyle of San Marcos and D. K. Doyle of Fort Worth; and that when the Senate adjourns today that it do so in his honor.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Mrs. Myrtle Dudley Hughston

Senator Roberts offered the following resolution:

(Senate Resolution 182)

Whereas, On December 7, 1955, Our Heavenly Father, in His infinite wisdom, did call from her earthly home Mrs. Myrtle Dudley Hughston, of McKinney, Texas; and

Whereas, Mrs. Hughston was the daughter of Mr. and Mrs. John H. Dudley and born in Denton County, Texas, on June 11, 1877; and she received her high school education at the Plano High School and her college education at the Baylor Female College at Belton, Texas; and she was married to Wallace Hughston on October 12, 1898; and from that time she resided in McKinney, Texas, with her beloved husband until her death, except for four years during which she resided in Austin, her husband being engaged in his professional duties; and

Whereas, She was an accomplished musician and was organist for the church in Plano for four years; and at McKinney she was president of the Women's Missionary Society and was engaged in other church activities; and

Whereas, She belonged to, and was president of, the McKinney Edelweiss Club; and from January, 1935, she was a member of the Senate Ladies' Club and attended its meetings regularly up to and including the year 1951; and in 1940 she was elected a member of the Senate Democratic Executive Committee of Texas; and

Whereas, Her passing is mourned not only by her family and friends, but by the entire community and State; and

Whereas, She is survived by her husband, Wallace Hughston, an esteemed former member of the Texas Senate; and three children, Mrs. A. Foy Thomas, Electra, Texas; Thomas D. Hughston, Dallas, Texas; and Mrs. Choice McClure, McKinney, Texas; and she is also survived by four grandsons, Thomas D. Hughston, Jr., Arlington, Texas; Edward Wallace Hughston, Corpus Christi, Texas; Clarence Hughston Thomas, Dallas, Texas; and Dan Hughston McClure, McKinney, Texas; two great-grandsons, Mark Hughston and Lane Hughston, Corpus Christi, Texas; now, therefore, be it

Resolved, That the Senate of Texas do hereby express its sincere sympathy to Mrs. Hughston's family and that copies of this resolution be forwarded to them under the Seal of the Senate of Texas; and be it further

Resolved, That a page of the Senate Journal be set aside as a memorial to Mrs. Hughston and that when the Senate of Texas adjourns today it do so in her honor and memory.

ROBERTS

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Rogers and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.